

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups II and I are related as process of making and product made under M.P.E.P. § 806.05(f) and that the product can be made in a materially different manner, such as using graphite and a solid dopant or with a boron (or a metal) containing gas in place of nitrogen, or with a differing nitrogen concentration.

However, the Examiner has given no reasons to support the proposition that graphite, a solid dopant or a boron (or a metal) containing gas in place of the nitrogen of the claims of Group II could produce a diamond layer of single crystal CVD diamond which is colored and which has a thickness greater than 1 mm. The particular extremely harsh conditions required to produce diamond from graphite would preclude reproduction of a single crystal CDD diamond which is colored. Therefore, since the Examiner has not set forth a materially process for producing the product of the claims of Group I, it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claims of Group II be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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